

(d) *The department may accept gifts, awards, or grants for the purpose of providing the services described by Subsection (b).*

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on April 30, 2015: Yeas 139, Nays 0, 1 present, not voting;  
passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 10, 2015.

Effective September 1, 2015.

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**REGULATION OF MEDICAL WASTE; ADDING AND  
AMENDING PROVISIONS SUBJECT TO A CRIMINAL  
PENALTY**

**CHAPTER 407**

H.B. No. 2244

**AN ACT**

**relating to the regulation of medical waste; adding and amending provisions subject to a criminal penalty.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 361.003, Health and Safety Code, is amended by adding Subdivisions (14-a) and (18-a) to read as follows:

(14-a) *"Health care-related facility" means a facility listed under 25 T.A.C. Section 1.134. The term does not include:*

(A) *a single-family or multifamily dwelling; or*

(B) *a hotel, motel, or other establishment that provides lodging and related services for the public.*

(18-a) *"Medical waste" means treated and untreated special waste from health care-related facilities composed of animal waste, bulk blood, bulk human blood, bulk human body fluids, microbiological waste, pathological waste, and sharps, as those terms are defined by 25 T.A.C. Section 1.132, as well as regulated medical waste, as that term is defined by 49 C.F.R. Section 173.134. The term does not include:*

(A) *waste produced on a farm or ranch as defined by 34 T.A.C. Section 3.296(f); or*

(B) *artificial, nonhuman materials removed from a patient and requested by the patient, including orthopedic devices and breast implants.*

SECTION 2. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0905 to read as follows:

**Sec. 361.0905. REGULATION OF MEDICAL WASTE.** (a) *The commission is responsible under this section for the regulation of the handling, transportation, storage, and disposal of medical waste.*

(b) *The commission shall accomplish the purposes of this chapter by requiring a permit, registration, or other authorization for and otherwise regulating the handling, storage, disposal, and transportation of medical waste. The commission shall adopt rules as necessary to accomplish the purposes of this subchapter.*

(c) *The commission has the powers and duties specifically prescribed by this chapter relating to medical waste regulation and all other powers necessary or convenient to carry out those responsibilities under this chapter.*

(d) *In matters relating to medical waste regulation, the commission shall consider water pollution control and water quality aspects, air pollution control and ambient air quality aspects, and the protection of human health and safety.*

*(e) Rules adopted to regulate the operation of municipal solid waste storage and processing units apply in the same manner to medical waste only to the extent that the rules address:*

*(1) permit and registration requirements that can be made applicable to a facility that handles medical waste, including requirements related to:*

- (A) applications;*
- (B) site development;*
- (C) notice; and*
- (D) permit or registration duration and limits;*

*(2) minor modifications to permits and registrations, including changes in operating hours and buffer zones;*

*(3) the reconciliation of conflicting site operation plan provisions for a site that conducts activities that require a separate permit or authorization;*

- (4) waste acceptance and analysis;*
- (5) facility-generated waste, including wastewater and sludge;*
- (6) contaminated water management;*
- (7) on-site storage areas for source-separated or recyclable materials;*
- (8) the storage of waste:*

*(A) to prevent the waste from becoming a hazard, including a fire hazard, to human health or safety;*

*(B) to ensure the use of sufficient containers between collections; and*

*(C) to prevent the waste from becoming litter;*

*(9) closure requirements for storage and processing units;*

*(10) recordkeeping and reporting requirements, except for rules regarding the recordkeeping provisions required to justify the levels of recovered recycled products;*

- (11) fire protection;*
- (12) access control;*
- (13) unloading waste;*
- (14) spill prevention and control;*
- (15) operating hours;*
- (16) facility signage;*
- (17) control of litter, including windblown material;*
- (18) noise pollution and visual screening;*
- (19) capacity overloading and mechanical breakdown;*
- (20) sanitation, including employee sanitation facilities;*
- (21) ventilation and air pollution control, except as those rules apply to:*
  - (A) process areas where putrescible waste is processed;*
  - (B) the minimal air exposure for liquid waste; and*
  - (C) the cleaning and maintenance of mobile waste processing unit equipment; and*
- (22) facility health and safety plans, including employee training in health and safety.*

*(f) Medical waste facilities, on-site treatment services and mobile treatment units that send treated medical waste and treated medical waste including sharps or residuals of sharps to a solid waste landfill must include a statement to the solid waste landfill that the shipment has been treated by an approved method in accordance with 25 T.A.C. Section 1.136 (relating to Approved Methods of Treatment and Disposition). Home generated wastes are exempted from this requirement.*

(g) *In a facility that handles medical waste processing or storage, the commission shall not require a minimum separating distance greater than 25 feet between the processing equipment or storage area, and the facility boundary owned or controlled by the owner or operator. A medical waste storage unit is not subject to this subsection, provided that medical waste contained in transport vehicles is refrigerated below 45 degrees if the waste is in the vehicle longer than 72 hours. The commission may consider alternatives to the buffer zone requirements of this subsection for permitted, registered, or otherwise authorized medical waste processing and storage facilities.*

SECTION 3. Section 7.141(4), Water Code, is amended to read as follows:

(4) *“Medical waste” has the meaning assigned by Section 361.003, Health and Safety [includes animal waste, bulk blood and blood products, microbiological waste, pathological waste, sharps, and special waste from health care-related facilities as those terms are defined in 25 T.A.C. Section 1.132 (Texas Department of Health, Definition, Treatment, and Disposition of Special Waste from Health Care-Related Facilities). The term does not include medical waste produced on farmland and ranchland as defined by Section 252.001(6), Agriculture] Code.*

SECTION 4. Section 361.560, Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 5. (a) Not later than June 1, 2016, the Texas Commission on Environmental Quality shall adopt rules to implement the changes in law made by this Act. The rules must be adopted in the form of a new chapter of the Texas Administrative Code that includes all rules of the commission relating to medical waste regulation.

(b) Rules adopted to implement the changes in law made by this Act must minimize the effect on other rules regulating municipal solid waste facilities.

SECTION 6. A facility that has a permit, registration, pending permit application, or other authorization that allows the handling of medical waste is not required to comply with the changes in law made by this Act until rules adopted by the Texas Commission on Environmental Quality to implement the changes in law made by this Act take effect. Any change to a permit, registration, or other authorization in effect on the effective date of this Act that is necessary to implement the changes in law made by this Act may be authorized without notice and comment and shall not be referred for a contested case proceeding.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 27, 2015: Yeas 141, Nays 2, 1 present, not voting;  
passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 10, 2015.

Effective June 10, 2015.

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**CERTIFICATION BY THE COMPTROLLER TO THE  
COMMISSIONER OF EDUCATION OF THE TAXABLE VALUE  
OF PROPERTY IN EACH SCHOOL DISTRICT**

**CHAPTER 408**

H.B. No. 2293

**AN ACT**

**relating to the certification by the comptroller to the commissioner of education of  
the taxable value of property in each school district.**

*Be it enacted by the Legislature of the State of Texas:*